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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CENTER FOR BIOLOGICAL DIVERSITY, *et al.*,

Plaintiffs,

v.

BUREAU OF LAND MANAGEMENT, *et al.*,

Federal Defendants,

and

AMERICAN SAND ASSOCIATION, *et al.*,

Defendant-Intervenors.

Case No. 3:03-cv-02509-SI

**FEDERAL DEFENDANTS' NOTICE
OF RESTORATION OF
APPROPRIATIONS AND UPDATED
SCHEDULE**

On October 1, 2013, Federal Defendants requested a stay of the October 15, 2013 due date for their answer to Plaintiffs' Third Amended Complaint due to the lapse in appropriations for the Department of Justice and the Federal Defendants. Defendants committed to notify the Court when Congress appropriated funds for these agencies' operations. The Court granted the requested stay on October 1, 2013 (ECF No. 218), ordering that upon filing of Federal Defendants' notice, the due date for Federal Defendants' answer or other response to the Third Amended Complaint would be extended commensurate with the duration of the lapse in appropriations. In addition, by Order dated October 16, 2013 (ECF No. 220), the Court approved the parties' stipulation to a similar stay of the remaining deadlines set forth in paragraphs 3-9 of the Court's August 6, 2013 Scheduling Order (ECF No. 214).

On October 17, 2013, the President of the United States signed legislation restoring appropriations to the Department of Justice and the Federal Defendants in this case. The duration of the lapse in appropriations was 16 days. Accordingly, pursuant to the Court's October 1 and October 16 orders (and the provisions of Fed. R. Civ. P. 6(a)(1)(C)), the deadlines in paragraphs 3-9 of the Scheduling Order are now extended by 16 days, as follows:

3. Federal Defendants and Defendant-Intervenors shall file their answers or other responses to Plaintiffs' Third Amended Complaint on or before **October 31, 2013**.

4. Plaintiffs shall file their motion for summary judgment on or before **November 4, 2013**. Plaintiffs' supporting memorandum of points and authorities shall not exceed 25 pages.

5. Federal Defendants shall file a combined cross-motion for summary judgment and opposition to Plaintiffs' motion, not to exceed 25 pages, on or before **December 2, 2013**.

6. Intervenor-Defendants shall file a combined cross-motion for summary judgment and opposition to Plaintiffs' motion, not to exceed 25 pages, on or before **December 2, 2013**.

7. Plaintiffs shall file a single combined opposition and reply to the summary judgment briefs described in paragraphs 5 and 6, not to exceed 20 pages, on or before **December 23, 2013**.

8. Federal Defendants shall file a reply brief, not to exceed 15 pages, on or before **January 6, 2013**.

1 9. Intervenor-Defendants shall file a reply brief, not to exceed 15 pages, on or before
2 **January 6, 2013.**

3 The parties are also discussing possible minor modifications to the revised schedule and
4 will attempt to stipulate to any such modifications. Undersigned counsel for Federal Defendants
5 has conferred with counsel for the other parties prior to filing this notice.

6 DATED: October 21, 2013

Respectfully submitted,

7 ROBERT G. DREHER
8 Acting Assistant Attorney General

9 /s/ Kevin W. McArdle
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28 Motion Hearing: 1/24/14 @ 9 a.m.

